

FREQUENTLY ASKED QUESTIONS FROM WORKERS REGARDING COVID-19

On March 12, 2020, Governor Northam declared a State of Emergency in the Commonwealth due to the statewide spread of COVID-19. Many workers are asking for guidance on how to navigate this public health crisis as they work to keep their families both healthy and financially stable.

Below are answers to some of the most frequently asked questions received from workers. Please check with your human resource officer for employer-specific policies on sick and medical leave. This document is not designed to give legal advice on individual situations.

1. Because of COVID-19, my employer has temporarily closed, and I do not have paid leave or will not receive a paycheck. What can I do?

You may file a claim for unemployment insurance (UI) benefits with the Virginia Employment Commission (VEC). If VEC approves your claim, you will receive a weekly benefit payment that is dependent on your past earnings. The maximum benefit amount is \$378 for up to 26 weeks.

For more information about unemployment insurance and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>. Thank you in advance for your patience in navigating the site as VEC is experiencing a high volume of claims.

2. My employer has cut my hours back due to the coronavirus. What can I do?

If your hours have been reduced, you may apply for benefits but will be responsible for reporting the gross reduced wages earned during the affected week or risk an overpayment.

For more information on UI and to file a claim, please visit <http://www.vec.virginia.gov/node/11699>. A detailed guide to applying is available at <https://www.vec.virginia.gov/sites/default/files/documents/Information-on-claims-related-to-layoff-March-2020.pdf>.

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3. When will federal unemployment benefits expire?

The Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act created various programs to increase accessibility to unemployment insurance benefits throughout the COVID-19 pandemic. Programs created include Pandemic Unemployment Assistance (PUA), Pandemic Emergency Unemployment Compensation (PEUC), and Federal Pandemic Unemployment Compensation (FPUC). All three of these programs will end the benefit week ending September 4, 2021. After September 4, 2021, individuals will no longer be eligible to receive those benefits.

4. I waited to apply for unemployment insurance (UI) benefits after I lost my job. Am I eligible for benefits for the weeks I was unemployed before I completed the UI application?

While you should file for unemployment as soon as possible after you are furloughed or lose your job, you can petition a backdating of your claim. If you are filing an initial claim, you have to appeal your monetary determination. If you already filed a claim but waited more than 28 days to file the continued claim for benefits, you can request through the customer contact center to “claim the back weeks”.

5. I received unemployment payments for a few weeks and then nothing. What can I do to reinstate my benefits, and why might they have stopped?

There are a variety of reasons why you may be receiving payments during some weeks and not others. Individuals will not receive payments during weeks where they do not file their weekly claim with the VEC. Another possibility is that you have had an “outstanding issue” placed on your account. Regardless of what specifically has caused the issue, a VEC Deputy must review outstanding issues before benefits can be released. The Deputies are working the issues first in, first out, and the backlog is roughly 2 months. They are not able to pull a particular person's name to determine where they are in that process.

A VEC representative will not reach out unless there is specific information that is missing from your file that is needed for resolution. Often, the VEC has all the information, it's just waiting to be addressed by a VEC Deputy. In cases where they do

not need more information, the VEC Deputy will either remove the issue that was blocking payment or issue a determination, whichever is appropriate.

You can schedule a virtual appointment with your local VEC office who may be able to provide the specific reason for the issue holding up payment.

6. Am I required to fulfill the weekly job search requirement to continue receiving unemployment benefits?

The job search requirement for unemployment benefits has been reinstated. Individuals receiving unemployment benefits are required to contact at least 2 employers each week and are required to report details of their job search activity to the VEC for review in order to receive their benefits.

7. What should I do if I disagree with my monetary determination from the VEC?

If you disagree with your monetary determination for traditional UI, you can appeal and have it evaluated by the VEC, however, there will be a lengthy wait. There could be any number of reasons why a determination is incorrect (e.g. misclassification by the employer, wages under an incorrect SSN, etc.) If the reason for the discrepancy is missing wages, it would be faster for you to provide proof of wages to the agency so your monetary determination can be reconsidered. You do not need to file an appeal to initiate this process. Instead, you need to contact the VEC Customer Contact Center and request to send in your proof of wages. The customer contact staff will then forward the proof with accompanying forms to the monetary unit for reconsideration.

8. My employer closed temporarily and I did not receive my last paycheck. How do I get paid?

To file a nonpayment of wages claim, please visit the Virginia Department of Labor's website at <https://www.doli.virginia.gov/labor-law/payment-of-wage-english/>.

9. I feel that my employer is not taking the necessary precautions to maintain a safe working environment in this public health crisis, and they are also not allowing me to telework. What can I do?

The Virginia Department of Labor and Industry (DOLI) is responsible for enforcing safety and health laws and regulations in Virginia workplaces. The standards and informational materials are available at <https://www.doli.virginia.gov/covid-19-outreach-education-and-training/>. If you feel that

your employer is not complying with safety regulations, you may file a formal complaint with the federal Occupational Safety and Health Administration (OSHA) [here](#). Complaints received through OSHA will be investigated at the state level by DOLI.

10. Can my employer not pay me if I am sent home early from work or told not to come in for a scheduled shift?

Yes. A Virginia employer is only required to pay an employee for the work performed.

11. I caught coronavirus from my work. Can I file a workers' compensation claim?

Please contact your human resources director for more information about your employer's policies. Workers' compensation claims are evaluated according to the condition and specific circumstances. For more information on how to file a workers' compensation claim in Virginia, please refer to <http://www.vwc.state.va.us/documents/workers-compensation-brochure>.

12. If I have coronavirus, what can my employer tell others about my condition?

All medical information on an employee is confidential and cannot be shared with other employees. For the safety of the workplace, an employer may disclose this information to a health authority.

The Health Insurance Portability and Accountability Act provides protections concerning disclosure of medical information. Information concerning disclosure of medical conditions can be obtained at (800) 368 – 1019.

13. Can my employer ask me if I have a health condition such as a weak immune system or existing condition that would be affected by coronavirus?

No. Your employer cannot ask you questions that might disclose a disability.

For business-related questions not answered above, please email business@virginia.gov.

For worker-related questions not answered above, please email labor.secretary@governor.virginia.gov.